



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,192	12/15/2003	Kenneth A. Williams	06975-221002	2149
26171	7590	08/04/2008		
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER DUFFY, DAVID W	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			08/04/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,192	<b>Applicant(s)</b> WILLIAMS ET AL.	
	<b>Examiner</b> DAVID W. DUFFY	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/05/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. This office action is in response to the amendment filed 05/05/2008 in which applicant amends claims 23-24 and 38 and adds claims 40-41. Claims 2-41 are pending.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 05/05/2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,692,359 has been received.

### ***Information Disclosure Statement***

3. The information disclosure statement filed 05/05/2008 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Objections***

4. Claims 12-29 are objected to because of the following informalities: Claims 12 and 27 include the limitation "displaying a relative skill level that represents the skill of a first user for a first identified video game relative to a second identified video game". The disclosure as filed does not include the word relative anywhere in the specification. The disclosure describes users providing a rating of their skill for a game only, not a skill level for a game relative to another game. Claims 13-26 and 28-39 inherit this

deficiency. Applicant is requested to clarify the limitation or indicate support for the limitation.

5. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 2-11 and 40-41 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for displaying gradation of interest in games, does not reasonably provide enablement for level of interest in items. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specification provides for the disclosure of personal interest in a variety of games relative to other games (fig 6, specification page 2, line 20- page 3, line 5, and specification page 8, lines 5-7). The disclosure describes enabling a user to list various interest and hobbies (specification page 8 line 20- page 9, line 2). The disclosure does not describe the user providing information related to interest or skill level for any item other than video games.

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 2-3, 5-8, 10-11 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over “How to get the most out of COMPUSERVE, 4<sup>th</sup> edition, 1989” (hereafter Bowen) in view of Brittin; Ruth, The Effect of Categorization on Preferences for Popular Music Styles.

10. In regards to claim regards to claim 2, Bowen discloses a computer implemented method of creating a user profile for interacting on a computer network, the method comprising enabling a first user to identify profile information with respect to each of one or more items (pgs 94-95, 207-209, and 381: “create and read personal bios”); and enabling the first user to make the profile information accessible to a first remote computer system, a central computer system, and at least one other remote computer system (pg 207-209, making a profile while online for other members to view), wherein the first computer system, the central computer system, and at least one other remote computer system are elements of a computer network used for multi-user communications (CompuServe is an online multi-user environment). Bowen lacks disclosing displaying several gradations of interest, the gradations of interest including a level representing relatively little interest, a level representing relatively intermediate interest, and a level representing relatively great interest and the profile information including a level of interest that is selected from among the several displayed gradations of interest.

11. In related prior art, Brittin discloses a survey presented to participants to determine their interest level in various musical genres (pg. 72, Conventional Preference Ratings) using a Likert scale. A Likert scale being well known as a method

for rating agreement or preference for an item using levels of little interest increasing to levels of great interest with a range in between. One skilled in the art would recognize the advantages of allowing users to rate their interest level in the items of personal biography so that others may be able to quantify how much that person enjoys a particular activity and engage in social interaction accordingly.

12. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Brittin to have included a scale for rating interest in order to allow users to find other users with similar levels of interest in similar areas.

13. In regards to claim 3, Bowen discloses the method of claim 2, but lacks wherein the profile information is automatically displayed upon the second user taking an action demonstrating an interest in the first user. However, Bowen discloses the ability of a user to look up other user's profiles (pg 208, search by) and it would have been obvious to automate the manual task of searching to allow a user to view profile information of a selected user directly thus saving time.

14. In regards to claim 5, Bowen discloses the method of claim 2 further comprising enabling the first user to identify personal characteristics; enabling the first user to save the personal characteristics; and enabling the first user to make the personal characteristics accessible to a first remote computer system, a central computer system, and at least one other remote computer system (pgs 94-95, 207-209, and 381: "create and read personal bios").

15. In regards to claim 6, Bowen discloses a user identifying personal characteristics including interests such as gardening (pg 208) which examiner contends is also a hobby.

16. In regards to claims 7-8 and 10-11, Bowen discloses the system of claim 2 above where a user makes profile information available to others. Claims 7-8 and 10-11 are directed to a first user accessing the information of second user. Bowen teaches the system of claim 2 above including a multi-user online environment where users may search each other's profiles (pg 208 search by). Accordingly it also teaches a user accessing another person's profile.

17. In regards to claims 40 and 41, Bowen discloses that users are able to list their interests in their profile (pg 208) and the system includes games (pg 381). It would be obvious that a system user would be able to list their interest in the games of the system within their profile so that others may be able to search and find others interested in the same game.

18. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in view of Brittin as applied to claim 2 above, and further in view of Stults; Robert A. et al. (US 4987492).

19. In regards to claims 4 and 9, Bowen discloses the method of claim 2 above and further discloses that it is desirable for users to be able to see images of other users (pg 410), but lacks comprising: enabling the first user to select a visage; enabling the first user to save the visage; and enabling the first user to make the visage accessible to a

first remote computer system, a central computer system, and at least one other remote computer system.

20. In related prior art, Stults discloses a technique by which a user is able to control an audio/video communication system in a computer network system where visages are used to represent users of a particular computer (6:63-66) and further states any other visual cues could be used, including an image of a face, a name, a character, a number and the like (6:66-7:2). One skilled in the art would recognize the advantages of being able to identify a user visually to provide easily recognizable indicators of users and allow users to see each other over a network.

21. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Brittin further in view of Stults in order to include a visage of users to facilitate identification and the user's experience while using the networked communication system.

### ***Response to Arguments***

22. Applicant's arguments filed 05/05/2008 in regards to the rejection under 35 U.S.C. 112, first paragraph have been fully considered but they are not persuasive. The sections of the disclosure that applicant cites as support for the broad interpretation of allowing the presentation of the interest level in items do not support such assertions. The discussion of interfacing on a computing network does not reasonably enable the limitations directed to presenting one or more items and their associated ratings on a scale. The specification as filed only discloses and supports the rating of interest and skill level in video games (spec pg 8, lines 5-6; lines 11-19),



23. Applicant's arguments with respect to claims 2-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID W. DUFFY whose telephone number is (571)272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. W. D./  
Examiner, Art Unit 3714

/Corbett Coburn/  
Primary Examiner  
AU 3714